

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-1924

MARY CORBIN

v.

SURESH KHOSLA,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Civil Action No. 07-cv-05124
(Honorable Joel H. Slomsky)

Submitted Pursuant to Third Circuit LAR 34.1(a)
February 23, 2010

Before: SCIRICA and CHAGARES, *Circuit Judges*,
and RODRIGUEZ, *District Judge**

JUDGMENT ORDER

On March 26, 2010, we certified the following question of law to the Supreme Court of Pennsylvania:

Does § 1714 of the Motor Vehicle Financial Responsibility Law preclude an uninsured motorist from recovering tort damages for economic losses from an alleged third-party tortfeasor? *See Swords v. Harleysville Ins. Co.*, 883 A.2d 562 (Pa. 2005); *Bryant v. Reddy*, 793 A.2d 926 (Pa. Super. 2002), *allocatur denied*, 805 A.2d 518 (Pa. 2002); *McClung v. Breneman*, 700 A.2d 495 (Pa. Super. 1997).

*The Honorable Joseph H. Rodriguez, United States District Judge for the District of New Jersey, sitting by designation.

The Supreme Court of Pennsylvania granted our Petition for Certification and, on February 21, 2012, answered the question in the negative, holding that:

Section 1714 of the Motor Vehicle Financial Responsibility Law: does not preclude an uninsured motorist from recovering tort damages for economic loss from an alleged third-party tortfeasor under the tortfeasor's liability coverage.

See Corbin v. Khosla, 42 A.2d 254, 260 (PA 2012). The parties have filed supplemental letter briefs suggesting that we affirm the decision of the District Court based on the reasoning of the Supreme Court of Pennsylvania and remand this matter for further proceedings. In light of the Supreme Court's decision, we agree that this is the proper course. Accordingly, it is hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered December 16, 2008, be, and the same is hereby affirmed. This matter is remanded to the District Court for further proceedings.

BY THE COURT,

/s/ Anthony J. Scirica
Circuit Judge

ATTEST:

/s/Marcia M. Waldron
Clerk

Dated: August 2, 2012